REMARKS

Claims 1-4, 6, 8, 11, and 12 are pending in the application. The Examiner's reconsideration of the objections and rejections in view of the amendments and remarks is respectfully requested.

Claims 1-10 have been rejected under 35 USC 101 as being directed to non-statutory subject matter.

Claim 1 has been amended to claim, *inter alia*, "computer readable medium embodying instructions executable by a processor to perform method of generating a feasible schedule for n jobs given a duration and a revisit time for each job." Further, Claim 1 further recites "outputting the feasible schedule wherein the n jobs are scheduled according to the feasible schedule." In view of the claim limitations, Claim 1 is believed to be directed to statutory subject matter.

Claims 5, 7, 9, and 10 have been canceled. Claims 2-4, 6, and 8 depend from Claim 1 and are believed to be allowable for at least the reasons given for Claim 1. Reconsideration of the rejection is respectfully requested.

Claims 1-10 have been rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 has been amended to clarify the limitations directed to calculating the theoretical probability and the actual probability. Further, Claims 2-4, 6, and 8 have been clarified to specify particulars of the equations. Claims 5, 7, 9, and 10 have been canceled. Reconsideration of the rejection is respectfully requested.

Claims 1-10 have been rejected under 35 USC 102(a) as being anticipated by Feinberg et al. ("Sensor Resource Management for an Airborne Early Warning Radar," Proceedings of SPIE Vol. 4728, Signal and Data Processing of Small Targets (April 2002). The Examiner stated essentially that Feinberg teaches all of the limitations of Claims 1-10.

The Feinberg reference is describing applicant's own work. A declaration under 37 CFR 1.132 is attached.

Claims 5, 7, 9, and 10 have been canceled.

Reconsideration of the rejection is respectfully requested in view of the attached declaration.

Claims 1-10 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Bar-Noy et al. ("Nearly Optimal Perfectly-Periodic Schedules," Nov. 1, 2000) in view of Jones et al. ("CPU Reservations and Time Constraints," ACM (1997)). The Examiner stated essentially that the combined teachings of Bar-Noy and Jones teach or suggest all the limitations recited in Claims 1-10.

Claim 1 claims, *inter alia*, that "creating a potential schedule for the n jobs based on the theoretical probabilities and the actual probabilities."

Bar-Noy teaches a periodic schedule for a set of pages that minimizes an average waiting time (see page 4, equation 1). Bar-Noy does not teach or suggest "creating a potential schedule for the n jobs based on the theoretical probabilities and the actual probabilities" as claimed in Claim 1. Bar-Noy embeds frequencies into a tree that represents a "perfectly periodic schedule" (see page 3, section 1.2). These frequencies are frequencies of a given page in a schedule (see

page 5, FIG. 2). Bar-Noy's trees created from frequencies of a given page in a schedule is clearly not analogous to the claimed creating a potential schedule for the n jobs based on the theoretical probabilities and the actual probabilities. For example, nether a theoretical probability nor an actual probability is taught or suggested. Therefore, Bar-Noy fails to teach or suggest all of the limitations of Claim 1.

Jones teaches a method for scheduling multiple independent activities (see Abstract). Jones does not teach or suggest "creating a potential schedule for the n jobs based on the theoretical probabilities and the actual probabilities" as claimed in Claim 1. Jones is silent on theoretical and actual probabilities for jobs. Indeed, Jones only references probability in a macro context - for increasing a probability that the method accommodates future reservation requests. Probabilities, much less theoretical and actual probabilities, are not used in Jones's methods. Therefore, Jones fails to cure the deficiencies of Bar-Noy.

The combined teachings of Bar-Noy and Jones teach a method for determining a periodic round robin schedules. The combined teachings of Bar-Noy and Jones fail to teach or suggest "creating a potential schedule for the n jobs based on the theoretical probabilities and the actual probabilities" as claimed in Claim 1.

Claims 2-4, 6 and 8 depend from Claims 1. The dependent claims are believed to be allowable for at least the reasons given for Claim 1. Claims 5, 7, 9, and 10 have been canceled. Reconsideration of the rejection is respectfully requested.

For the forgoing reasons, the application, including Claims 1-4, 6, 8, 11, and 12, is believed to be in condition for allowance. Early and favorable reconsideration of the case is respectfully requested.

Respectfully submitted,

Dated: June 30, 2008

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